

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**AMERICAN HEALTHNET, INC., A  
Nebraska Corporation,**

**Plaintiff,**

**v.**

**WEST SIDE COMMUNITY HOSPITAL, INC.,  
An Illinois Corporation d/b/a/ SACRED  
HEART HOSPITAL,**

**Defendant.**

**8:04CV9**

**ORDER**

The court's evidentiary rulings are memorialized in the table below.

**Legend:**

R	Relevance	*	Sacred Heart objects to Lines 16 – 18 attorney colloquy
H	Hearsay	**	This passage violates the parties' agreement as formalized at the pretrial conference regarding the use of proper names.
F	Foundation	***	Per rule 32, Sacred Heart designates additionally, p. 69 line 17 to p. 70 line 6 necessary to clarify immediately preceding passage designated by AHN.
403	Fed. R. Evid. 403		
S	Sustained		
O	Overruled		

<b>AHN</b>	<b>SHH</b>	<b>DESCRIPTION</b>	<b>OBJ</b>	<b>RULING</b>
	X	Depo of Arthur Taylor (Vol. I): Pg. 7, Ln. 16 through 10, Ln. 18	R, 403	S
	X	Depo of Arthur Taylor (Vol. I): Pg. 15, Ln. 4 through 19, Ln. 17	R beginning on Pg. 18	S
	X	Depo of Arthur Taylor (Vol. I): Pg. 22, Ln. 2 through 23, Ln. 3	R, Legal Conc.	O
	X	Depo of Arthur Taylor (Vol. I): Pg. 31, Ln. 22 through 39, Ln. 23	H,F,R, 403, Legal Conc., Best Ev.	O
	X	Depo of Arthur Taylor (Vol. I): Pg. 54, Ln. 13 through 64, Ln. 12	Best Ev., R, 403, F, H	O
	X	Depo of Arthur Taylor (Vol. I): Pg. 75, Ln. 1 through 78, Ln. 13	Best Ev., F,R,H	O
	X	Depo of Arthur Taylor (Vol. II): Pg. 8, Ln. 7 through 9, Ln. 8		
	X	Depo of Arthur Taylor (Vol. II): Pg. 13, Ln. 25 through 14, Ln. 10	Best Ev., R	O
	X	Depo of Arthur Taylor (Vol. II): Pg. 15, Ln. 18 through 15, Ln. 25	F, R, H	O
	X	Depo of Arthur Taylor (Vol. II): Pg. 16, Ln. 2 through 17, Ln. 7	R	O

AHN	SHH	DESCRIPTION	OBJ	RULING
	X	Depo of Arthur Taylor (Vol. II): Pg. 22, Ln. 20 through 23, Ln. 8		
	X	Depo of Arthur Taylor (Vol. II): Pg. 24, Ln. 21 through 25, Ln. 17		
	X	Depo of Arthur Taylor (Vol. II): Pg. 27, Ln. 15 through 30, Ln. 1	Best Ev, R	O
	X	Depo of Arthur Taylor (Vol. II): Pg. 31, Ln. 20 through 32, Ln. 20	Best Ev., R	O
	X	Depo of Arthur Taylor (Vol. II): Pg. 37, Ln. 25 through 38, Ln. 11	R	O
	X	Depo of Arthur Taylor (Vol. II): Pg. 38, Ln. 13 through 39, Ln. 5	Best Ev., R	O
	X	Depo of Arthur Taylor (Vol. II): Pg. 44, Ln. 21 through 45, Ln. 13	Best Ev., R	O
	X	Depo of Arthur Taylor (Vol. II): Pg. 46, Ln. 16 through 46, Ln. 22		
	X	Depo of Arthur Taylor (Vol. II): Pg. 48, Ln. 25 through 49, Ln. 19	Best Ev., R	O
	X	Depo of Arthur Taylor (Vol. II): Pg. 52, Ln. 4 through 52, Ln. 11	F	O
	X	Depo of Arthur Taylor (Vol. II): Pg. 59, Ln. 15 through 59, Ln. 20		
	X	Depo of Arthur Taylor (Vol. II): Pg. 61, Ln. 1 through 61, Ln. 6		
	X	Depo of Arthur Taylor (Vol. II): Pg. 68, Ln. 20 through 71, Ln. 3	H, R, Best Ev.	O
	X	Depo of Arthur Taylor (Vol. II): Pg. 85, Ln. 20 through 86, Ln. 4	Best Ev., R	O
	X	Depo of Arthur Taylor (Vol. II): Pg. 86, Ln. 6 through 86, Ln. 13		
	X	Depo of Arthur Taylor (Vol. II): Pg. 87, Ln. 15 through 91, Ln. 21	R	O
X		Depo of Arthur Taylor (Vol. I): Pg. 3, Ln. 9-18	*	S
X		Depo of Arthur Taylor (Vol. I): Pg. 4, Ln. 19 through 7, Ln. 15		
X		Depo of Arthur Taylor (Vol. I): Pg. 11, Ln. 6-12	R, **	S per Final PTC
X		Depo of Arthur Taylor (Vol. I): Pg. 17, Ln. 11-22		
X		Depo of Arthur Taylor (Vol. I): Pg. 18, Ln. 17-21		
X		Depo of Arthur Taylor (Vol. I): Pg. 32, Ln. 11-21		
X		Depo of Arthur Taylor (Vol. I): Pg. 39, Ln. 24 through Pg. 40, Ln. 13		
X		Depo of Arthur Taylor (Vol. I): Pg. 49, Ln. 8 through Pg. 50, Ln. 9	F	O
X		Depo of Arthur Taylor (Vol. I): Pg. 54, Ln. 16 through Pg. 56, Ln. 21		
X		Depo of Arthur Taylor (Vol. I): Pg. 63, Ln. 15 through Pg. 64, Ln. 22		
X		Depo of Arthur Taylor (Vol. I): Pg. 67, Ln. 13 through Pg. 68, Ln. 13		
X		Depo of Arthur Taylor (Vol. I): Pg. 69, Ln. 9-16	F, ***	O-Found. S-as to R.32
X		Depo of Arthur Taylor (Vol. I): Pg. 70, Ln. 7 through Pg. 72, Ln. 12	F, H	O
X		Depo of Arthur Taylor (Vol. I): Pg. 83, Ln. 10 through Pg. 84, Ln. 8		
X		Depo of Arthur Taylor (Vol. II): Pg. 5, Ln. 6 through Pg. 6, Ln. 11		

AHN	SHH	DESCRIPTION	OBJ	RULING
X		Depo of Arthur Taylor (Vol. II): Pg. 20, Ln. 16 through Pg. 22, Ln. 19	R, F	O
X		Depo of Arthur Taylor (Vol. II): Pg. 33, Ln. 15-23		
X		Depo of Arthur Taylor (Vol. II): Pg. 72, Ln. 19 through Pg. 73, Ln. 11	F, ***	O-Found. S-as to R.32
X		Depo of Arthur Taylor (Vol. II): Pg. 74, Ln. 1 through Pg. 79, Ln. 22	F, ***	O-Found. S-as to R.32
X		Depo of Arthur Taylor (Vol. II): Pg. 80, Ln. 12-18	F, ***	O-Found. S-as to R.32
X		Depo of Arthur Taylor (Vol. II): Pg. 83, Ln. 2 through Pg. 84, Ln. 21	F, Legal Conc.	O
	X	Depo of Francis Grabowski: Pg. 8, Ln. 17 through Pg. 23, Ln. 24	R,F, 403 beginning with Pg. 18	O
	X	Depo of Francis Grabowski: Pg. 33, Ln. 16 through Pg. 38, Ln. 2	F,H,403	O
	X	Depo of Francis Grabowski: Pg. 50, Ln. 20 through Pg. 51, Ln. 7	R,H,F	O
	X	Depo of Francis Grabowski: Pg. 75, Ln. 13 through Pg. 82, Ln. 12	H,F,403	O
	X	Depo of Francis Grabowski: Pg. 108, Ln. 10 through Pg. 110, Ln. 24	F,R,H, 403	S-relevance
X		Deposition of Francis Charles Grabowski: Pg. 4, Ln. 6-10.		
X		Deposition of Francis Charles Grabowski: Pg. 7, Ln. 3-4.		
X		Deposition of Francis Charles Grabowski: Pg. 32, Ln. 23 – Pg. 33, Ln. 15.		
X		Deposition of Francis Charles Grabowski: Pg. 38, Ln. 3-13.		
X		Deposition of Francis Charles Grabowski: Pg. 49, Ln. 7 – Pg. 50, Ln. 2.	F, R, 403	O
X		Deposition of Francis Charles Grabowski: Pg. 50, Ln. 12-19.		
X		Deposition of Francis Charles Grabowski: Pg. 52, Ln. 1-6.	F, R, 403	O
X		Deposition of Francis Charles Grabowski: Pg. 63, Ln. 20 – Pg. 64, Ln. 5.	R, 403	O
X		Deposition of Francis Charles Grabowski: Pg. 70, Ln. 5-16.	R, 403	O
X		Deposition of Francis Charles Grabowski: Pg. 96, Ln. 3-16.		
X		Deposition of Francis Charles Grabowski: Pg. 117, Ln. 7-16.		
X		Deposition of Francis Charles Grabowski: Pg. 126, Ln. 23 – Pg. 128, Ln. 4.	R, 403	O
X		Deposition of Francis Charles Grabowski: Pg. 131, Ln. 21 – Pg. 132, Ln. 10.		
X		Deposition of Francis Charles Grabowski: Pg. 136, Ln. 11-21.	R, F, Form 403	O

AHN	SHH	DESCRIPTION	OBJ	RULING
	X	Depo of Jennie Powers: Pg. 8, Ln. 6 through Pg. 21, Ln. 2	R,F,H, 403 beginning on Pg.19	O
	X	Depo of Jennie Powers: Pg. 28, Ln. 20 through Pg. 29, Ln. 20		
	X	Depo of Jennie Powers: Pg. 57, Ln. 23 through Pg. 72, Ln. 17	R,H,F, 403	O
X		Depo of Jennie Powers: Pg. 21, Ln. 3-13		
X		Depo of Jennie Powers: Pg. 25, Ln. 17-20	F	O
X		Depo of Jennie Powers: Pg. 32, Ln. 18 through Pg. 33, Ln. 13	H	O
X		Depo of Jennie Powers: Pg. 52, Ln. 6 through Pg. 53, Ln. 16	R, F, 403	O
X		Depo of Jennie Powers: Pg. 54, Ln. 11-19		
X		Depo of Jennie Powers: Pg. 55, Ln. 8-9; Pg. 57, Ln. 5-22	R, F, 403	O
X		Depo of Jennie Powers: Pg. 72, Ln. 18 through Pg. 73, Ln. 6		
X		Depo of Jennie Powers: Pg. 82, Ln. 3-13		
X		Depo of Jennie Powers: Pg. 111, Ln. 13 through Pg. 113, Ln. 5	F	O
X		Depo of Jennie Powers: Pg. 123, Ln. 18 through Pg. 125, Ln. 4	R, 403	O
	X	Depo of Gregory Horeni: Pg. 7, Ln. 18 through Pg. 12, Ln. 15		
	X	Depo of Gregory Horeni: Pg. 21, Ln. 1 through Pg. 27, Ln. 20		
	X	Depo of Gregory Horeni: Pg. 32, Ln. 9 through Pg. 33, Ln. 12		
	X	Depo of Gregory Horeni: Pg. 39, Ln. 21 through Pg. 43, Ln. 22		
	X	Depo of Gregory Horeni: Pg. 50, Ln. 19 through Pg. 51, Ln. 16	H	O
	X	Depo of Gregory Horeni: Pg. 92, Ln. 9 through Pg. 97, Ln. 1	F,R,H, 403	O
X		Depo of Gregory Horeni: Pg. 4, Ln. 6-13		
X		Depo of Gregory Horeni: Pg. 16, Ln. 23 through Pg. 17, Ln. 3		
X		Depo of Gregory Horeni: Pg. 18, Ln. 1 through Pg. 20, Ln. 24		
X		Depo of Gregory Horeni: Pg. 33, Ln. 13-24		
X		Depo of Gregory Horeni: Pg. 44, Ln. 8 through Pg. 45, Ln. 12		
X		Depo of Gregory Horeni: Pg. 49, Ln. 16 through Pg. 50, Ln. 18		
X		Depo of Gregory Horeni: Pg. 51, Ln. 17 through Pg. 52, Ln. 3		
X		Depo of Gregory Horeni: Pg. 65, Ln. 12-16	F	O
X		Depo of Gregory Horeni: Pg. 75, Ln. 22 through Pg. 76, Ln. 14		
X		Depo of Gregory Horeni: Pg. 81, Ln. 1-8	R, 403	O
X		Depo of Gregory Horeni: Pg. 97, Ln. 2 through Pg. 99, Ln. 3	F	O
X		Depo of Gregory Horeni: Pg. 101, Ln. 4-7	R, F, 403	O

AHN	SHH	DESCRIPTION	OBJ	RULING
	X	Depo of Susan Davilla: Pg. 8, Ln. 9 through Pg. 22, Ln. 9	F,R beginning on Pg. 19	O
	X	Depo of Susan Davilla: Pg. 29, Ln. 6-25	F	O
	X	Depo of Susan Davilla: Pg. 55, Ln. 22 through Pg. 58, Ln. 19	H,F,R, 403	O
	X	Depo of Susan Davilla: Pg. 60, Ln. 21 through Pg. 66, Ln. 19	H,R,F, 403	O
	X	Depo of Susan Davilla: Pg. 69, Ln. 2 through Pg. 70, Ln. 7	F,H,R, 403, non-respons.	O
	X	Depo of Susan Davilla: Pg. 141, Ln. 10 through Pg. 143, Ln. 2	F,R, 403	O
X		Deposition of Susan K. Davila: Pg. 2, Ln. 7-12.		
X		Deposition of Susan K. Davila: Pg. 30, Ln. 1-6.		
X		Deposition of Susan K. Davila: Pg. 35, Ln. 17 – Pg. 36, Ln. 3.		
X		Deposition of Susan K. Davila: Pg. 43, Ln. 1 – Pg. 44, Ln. 9.	R, F, 403	O
X		Deposition of Susan K. Davila: Pg. 51, Ln. 17 – Pg. 52, Ln. 15.	R, F, 403	O
X		Deposition of Susan K. Davila: Pg. 66, Ln. 20 – Pg. 67, Ln. 5.		
X		Deposition of Susan K. Davila: Pg. 86, Ln. 6 – Pg. 87, Ln. 2		
X		Deposition of Susan K. Davila: Pg. 111, Ln. 24 – Pg. 113, Ln. 17.		
X		Deposition of Susan K. Davila: Pg. 115, Ln. 6-16.		
X		Deposition of Susan K. Davila: Pg. 118, Ln. 8 – Pg. 120, Ln. 13.	R, F, 403	S-Relevance
X		Deposition of Susan K. Davila: Pg. 121, Ln. 11-15.		
X		Deposition of Susan K. Davila: Pg. 126, Ln. 3-13.	R, F, 403	O
X		Deposition of Brand Gangware: Pg. 4, Ln. 6 – Pg. 10, Ln. 17.		
X		Deposition of Brand Gangware: Pg. 24, Ln. 6 – Pg. 27, Ln. 7.	R	S
X		Deposition of Brand Gangware: Pg. 31, Ln. 3-7.		
X		Deposition of Brand Gangware: Pg. 33, Ln. 14 – Pg. 34, Ln. 14.	R	S
X		Deposition of Brand Gangware: Pg. 68, Ln. 18-21.		
X		Deposition of Brand Gangware: Pg. 79, Ln. 1-8.	F,R	S-Relevance

**IT IS SO ORDERED.**

**DATED April 28, 2006.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**